IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.79 OF 2007
IN
WRIT PETITION NO.2816 OF 2006

WITH

LETTERS PATENT APPEAL NO.80 OF 2007
IN
WRIT PETITION NO.6455 OF 2006

Savita Mukund Kelkar ...Appellant

V/s.

State of Maharashtra & Ors. ...Respondents

Mr.A.M. Joshi for the Appellant. .
Mr.R.M. Patne, AGP, for Respondent Nos.1 & 3. .
Mr.K.G. Bapat for Respondent No.2. .
Mr.M.S. Topkar for Respondent No.4. .

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 24TH APRIL, 2007.

P.C. :

1. The learned counsel for the Appellant submits that the Appellant may be permitted to withdraw these Letters Patent Appeals and seeks a review before the learned Single Judge in view of the decision of the learned Single Judge of this Court rendered in the case of Laxman Khanderao Ekhande V/s. State of Maharashtra & Ors., reported in 2007 (I) Mh.L.J. 860, where it has been held relying upon the decision of the Division

Bench that G.R. has to be construed in retrospect.

2. In our view, this point was raised before the learned Single Judge and it has not been examined and, therefore, it would be fair to give an opportunity to the Appellant to exhaust its remedy of seeking review on this issue.

3. We, therefore, permit the learned counsel for the Appellant to withdraw both the Letters Patent Appeals and file application for review before the learned Single Judge which will be decided on its own merits.

4. Appellant is allowed to withdraw both the Letters Patent Appeals with liberty and the same are disposed of as withdrawn.

[J.N. PATEL, J.]

[A.A. SAYED, J.]